GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Social Welfare Department – Appeal petition filed by Sri R. Giriraj S/o late Tatalu, R/o Visakhapatnam,against the proceedings of No. (M)Rc.No.170/97/C5, dated 31.05.2002 of the District Collector, Visakhapatnam under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) - Regulation of Issue of Community Certificates Act, 1993 (AP Act No.16/1993) – Appeal Petition dismissed – Orders -Issued.

SOCILA WELFARE (CV.1) DEPARTMENT

G.O.Ms.No.40 Dated: 11.04.2018

Read the following:

1. Proceedings of the Collector, Visakhapatnam (M) Rc.No. 170/97/C5, dt.31.05.2002.
2. The Order of the Hon'ble High Court of A.P., Hyderabad in W.P.No.11923/2003, filed by the Sri R. Giriraj dated 24.06.2003.
3. Appeal Petition filed by Sri R.Giriraju S/o late Tatala, R/o Visakhapatnam, before the M(SW) on 14.08.2003.
4. Govt. Memo No.10142/CV.1/2003-1, dated 27.08.2003.
5. The Order of the Hon'ble High Court of A.P., Hyderabad in W.P.No.14483/2010, filed by the Sri R. Giriraj dated 25.06.2010.
6. From the District Collector, Visakhapatnam, Lr. (M) Rc.No.998/2011/C5, dated 28.06.2015.
7. Govt. Memo No.10142/CV.1/2003, dated 18.11.2015, 29.04.2016, 30.11.2016 & 11.01.2017.
8. Govt. Memo No.10142/CV.1/2003, dated 29.05.2017.
9. Written Arguments filed by the appellant before the Appellate Authority on 17.06.2017.

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ORDER:

In the reference 1st read above, the District Collector, Visakhapatnam has issued orders canceling the SC–Mala Caste Certificates obtained from the then Mandal Revenue Officer, Pedagantyada Mandal, Visakhapatnam District in the year 1992 & 1998 by Sri R. Giriraj S/o late Tatalu.

2. In the reference 2nd read above, Sri R. Giriraj has filed W.P.No.11928/2003 before the Hon'ble High Court of Andhra Pradesh, Hyderabad, against the proceedings of the District Collector, Visakhapatnam. The Hon'ble High Court of A.P.,Hyderabad while disposing the said W.P. on 24.06.2003 has ordered that to permission of the Court to withdraw the Writ Petition with liberty to approach the Government to avail effective efficacious alternative remedy of appeal, giving liberty to petitioner to avail the remedy.

3. In the reference 3rd read above, based on the directions of the Hon'ble High Court of A.P., Hyderabad, Sri R. Giriraj S/o late Tatalu has filed an Appeal Petition before the Government, against the proceedings of the District Collector, Visakhapatnam. After examining the said Appeal Petition, Government have admitted the Appeal Petition and called for parawise remarks and connected records from the District Collector, Visakhapatnam in the reference 4th read above.

4. In the reference 5th read above, Sri R. Giriraj has filed W.P.No.14483/2010 before the Hon'ble High Court of Andhra Pradesh, Hyderabad, against the Government for not disposing the appeal filed by him against the proceedings of the District Collector, Visakhapatnam. The Hon'ble High Court of A.P., Hyderabad while disposing the said W.P. on 25.06.2010 has directed the Government to dispose of the appeal pending on his file following due process of law as expeditiously as possible preferably within a period of eight (8) weeks from the date of receipt of the order. But, due to several administrative difficulties the matter could not be disposed off within the time limit as directed by the Hon'ble High Court in the said W.P., however, after giving notices from time to time to the Appellant through his Counsel the matter has been examined by the Appellate Authority.

(P.T.O)

5. In the reference 6th read above, the District Collector, Visakhapatnam has furnished the Parawise remarks and the connected records on the Appeal Petition filed by Sri R. Giriraj S/o late Tatalu.

6. The said appeal petition has been posted for hearing on 28.11.2015, 14.05.2016, 24.12.2016, 24.01.2017 and finally on 17.06.2017 and the same has been informed to the Appellant and the Counsel for the Appellant in the reference 7th & 8th read above, and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no explanation what-so-ever to furnish in the matter and that the case will be decided based on the material available with the Government. In the reference 9th read above, the appellant have submitted written arguments in support of his SC-Mala community claim.

7. After hearing both the sides and on perusal of the records/ the copies of evidences/academic record/ grounds filed by the Appellant/ the parawise remarks submitted by the District Collector, Visakhapatnam and proceedings of the District Collector, Visakhapatnam dated 31.05.2002, the Appellate Authority has observed that:

I. The appellant in his grounds has stated that his natural parents viz., Tatalu and Ravanamma were belongs to Setti Balija community, blessed with three children and his mother is second wife of his father and one Satyavathi who is first wife of his father got separated from his father and again married one Sri Ravva Sreeramulu, who belongs to SC-Mala community, After one year of his birth, his father died and his mother had to struggle hard for their maintenance with her three children, at that time the above said Ravva Sree Ramulu was visiting the bereaved family and rendered some help and he and the said Satyavathi brought up him and admitted him into Bethel Grace Residential Elementary School of Alcutgardens, Rajahmundry and he continued his studies at SC- Mala.

II. Further, the appellant Sri Reddy Giri Raju has stated that he was admitted in the ITI basing on the status of displaced persons of the steel plant, but not on the status of the caste, i.e SC (MALA). He further stated that he did not join in the Steel Plant under the Category of SC but Joined under the category of displaced person. His mother was the recipient of 'R' card No. 170 of Dibbapalem and he was a nominee of his mother for the purpose of employment as the widow mother was a dependent on him. Therefore, Sri Reddy Giri Raju belongs to Settibalija caste and that his recruitment into the Steel Plant is based on the nomination given by his mother on her 'R' card as a person entitled for the rehabilitation package including employment.

III. The District Level Scrutiny Committee has observed that during the enquiry, Sri Reddy Giri Raju, S/o Tatalu deposed that his father and mother belongs to "SETTIBALIJA" and he was given on adoption to late Sriramulu, Alkathi Thota, Rajahmundry. He had come back to his parents at the age of around 11 years. The adoption bond signed by the elders is with Visakhapatnam Steel Plant authorities. He also mentioned that the bond or adoption deed is not registered one. He has requested time for finding documents relating to his adoption, but he has failed to produced any documentary evidences regarding adoption in to SC families. During DLSC enquiry, he himself admitted that because of some people advise him to apply for SC- Caste certificate, he got the SC caste certificate. That means, it clearly shows that he wantedly obtained false 'SC- Caste certificates twice by mis-representing the facts. The Committee has given the opportunity to him to substantiate his claim. The applicant has not chosen to avail the opportunity offered to him. The DLSC revealed that the caste of Sri Reddy Giri Raju, S/o Late Tatlu is not "MALA". Based on the recommendations of the DLSC, the District Collector has cancelled the appellant's SC-Mala caste certificate.

(Contd., on page.3)

IV. Under section 6 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (AP Act No.16/1993) the burden of proof lies on the Appellant only.

V. The Appellate Authority is observed that during the course of hearing of the case that the appellant submitted his arguments as per his grounds in appeal petition and stated that the lower authority failed to observe that he was adopted to Mala family and brought up within that family as such he is able to prove his case as he belongs to SC Mala Community. On verification of the documents and the grounds of appeal and Para wise remarks as well as the other documents and material available on the record it is noticed that except the above contention nothing was placed for appreciation of the case of the appellant and he failed to produce any documentary evidence by producing valid document to prove his adoption to SC Community family and further noticed that the appellant is not in fold of SC Community and from the childhood at age of 11 years of him that he is residing along with his mother admittedly. It is further brought to the notice that the certificate earliest issued to the individual in a routine manner and the same was cancelled after conducting detailed and through enquiry into the caste status of the individual. That as per the act that the burden of proving that the appellant belongs to particular caste shall be on the appellant and it is the responsibility of the appellant to produce necessary evidence and documents to claim the same. In the instant case that the appellant except relaying the evidence filed before the lower authority failed to produce any material more particularly the evidence of adoption for appreciation of the case on hand. As seen from the record the lower authority passed the order after reasonable appreciating the evidence available on record as per law which deserves no interference. Hence it is apparent that the appeal is devoid of any merits and there is no infirmity either in the findings of the DLSC or the learned District Collector, Visakhapatnam District. That taking consideration of the above and the material available on the record that it can be concluded that the lower authority passed the order as per law which does not deserve any interference.

8. In view of the several reasons recorded in the paras supra, the Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), decide that the appeal petition filed by Sri R. Giriraj S/o late Tatalu, does not deserve any interference. Hence, Proceedings of the District Collector, Visakhapatnam issued vide (M) Rc.No. 170/97/C5, dt.31.05.2002, is hereby upheld and the Appeal Petition filed by Sri R. Giriraj S/o late Tatalu, is hereby dismissed and the Certificate issued by the then Mandal Revenue Officer, Pedagantyada Mandal, Visakhapatnam deemed to be cancelled .

9. The District Collector, Visakhapatnam is directed to take necessary consequential action in the matter.

10. The records (containing (M) Rc.No. 170/97/C5, dt.31.05.2002, pages: 1-175) received from the District Collector, Visakhapatnam through in the reference 6th read above, are returned herewith in original to the District Collector, Visakhapatnam and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.S. RAWAT
PRINCIPAL SECRETARY TO GOVERNMENT

To

The District Collector, Visakhapatnam.
(with original records) (BY RPAD)

(Contd., on page.4)

Sri R. Giriraju, S/o Late Sri Tatala,
20-105, Opposite Sub-Station,
Peda Gantyada Post, Visakhapatnam.

Sri V.V.L.N. Sarma & V. Bharathi, Advocates,
Near over bridge, near Shankarmatt,
New Nallakunta, Hyderabad.

Copy to:

The PS to M(SWE&TWE).
The P.S. to Prl. Secretary(SW&TW).

// FORWARDED:: BY ORDER //

SECTION OFFICER